

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

The specification has been amended to insert the reference to related applications claiming the benefit of the parent Provisional Application No. 60/275,631, filed March 15, 2001.

Claims 5, 13, 14, 23, 26 and 33 have been amended to correct evident typographical errors.

Claims 1-35 are pending in the application.

Claims 1-16, 18, 19, 22, 26-29, and 32 were rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as being unpatentable over Kurth, U.S. Published Patent Application 2002/0090488 (Kurth '488).

The rejection is respectfully traversed because the Kurth '488 reference is not prior art with respect to the present application. The specification of the present application, as amended, includes a claim to the benefit of the filing date of U.S. Provisional Application No. 60/275,631, filed March 15, 2001. Note that the Declaration and Power of Attorney filed on June 03, 2002, in this application specifically included a claim to the

benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/275,631. The March 15, 2001, filing date of the provisional application is prior to the October 10 2001 filing date of the Kurth '488 reference. Accordingly, Kurth '488 is not a valid reference under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a). Note that, although the Kurth '488 reference claims the benefit of parent applications, it is continuation-in-part application, and, consequently, it is not evident on the face of the reference that the disclosures therein are entitled to any effective date earlier than the filing date of the Kurth '488 reference itself. Accordingly, rejection of this application as unpatentable over the Kurth '488 reference is inappropriate, and the Examiner is respectfully requested to withdraw it.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kurth '488 reference. Because the Kurth '488 Published Application is not a valid reference, as pointed out above, this rejection is not appropriate, and the Examiner is respectfully requested to withdraw it.

Claims 20, 21, 24, 25, 30, 31, 34, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable

over Kurth '488 in view of Smith et al., U.S. Patent 6,060,145. As discussed above, Kurth '488, the primary reference, is not a valid reference. Accordingly, the rejection over Kurth '488 in combination with Smith is not appropriate, and the Examiner is respectfully requested to withdraw it.

Claims 23 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurth '488 in view of Scott et al., U.S. Published Application No. 2003/0114062. As discussed above, Kurth '488, the primary reference, is not a valid reference. Accordingly, the rejection over Kurth '488 in combination with Scott is not appropriate, and the Examiner is respectfully requested to withdraw it.

Claim 12 is objected to as being a substantial duplicate of Claim 4. The objection is respectfully traversed. The claims are of substantially different scope, in view of the different transitional phrases used therein. Claim 4 recites that the catalyst "is" a tertiary amine, Claim 12 recites that the catalyst "comprises" a tertiary amine. Accordingly, there is no basis for objecting to Claim 12 as being a substantial duplicate of

Claim 4, and the Examiner is respectfully requested to withdraw the objection.

The amendment to correct the evident typographical error in Claim 26 makes it clear that "dangling limitation" at the top of page 23 (between Claims 26 and 27) is properly a part of Claim 26. Accordingly, the basis for the objection in Paragraph 1 of the Office Action has been removed by this amendment.

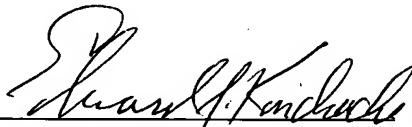
Claims 1,13-25, 26, and 30-35 are provisionally rejected under the judicially created doctrine of double patenting over certain claims of copending Application No. 10/097,439. Applicants will address these rejections, including the possible filing of appropriate terminal disclaimers, when there is indication of allowable matter in the application.

In view of the above amendments and discussion, the applied references do not provide a valid basis for rejecting the currently pending claims.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this

paper and has not been requested separately, such extension
is hereby requested.

Respectfully submitted,

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